

REMARKS

Claims 1 through 28 are pending in the application.

Amendments have been made to dependent claims 20, 21, 25, and 26 to address the rejection for indefiniteness. Because the amendments are merely of a clarifying nature, it is believed that these amendments should be entered at this time.

The applicants appreciate the Examiner's indication that claims 6 through 9 contain allowable subject matter.

Claims 1-5 and 12-26 are rejected under § 102 as anticipated by Nash. Claims 10 and 11 are rejected under § 103 as unpatentable over Nash in view of Kensey and claims 27 and 28 are rejected under § 103 as unpatentable over Nash.

Reconsideration is respectfully requested for at least the following reasons.

At the outset, the applicants would first like to briefly describe various aspects of their invention. More specifically, one implementation of the invention will be described with respect to the enclosed markup of Figures 5, 7, 8, and 9.

As shown in the attached markup of Figure 5, the arrangement comprises a housing 100 with an actuator 200 which is used to close a puncture in the wall of a blood vessel. Such a puncture may occur from various surgical procedures which require access to the blood system, such as the installation of stents. Figure 7 shows the operation of a first mode wherein the actuator 200 has been pushed into the housing 100 which in turn pushes a seal 501 into the blood vessel. In Figure 8, the housing 100 is retracted until the seal 501 is pulled against the wall 3 of the blood vessel. Tension in a filament holding the seal 501 (the tension resulting from the retraction of the housing 100) causes the actuator 200 to pop out of the housing. This places the device into a configuration where it can be operated in a second mode. Figure 9 illustrates the second mode wherein the actuator 200 is again pressed into the housing 100, which causes a tamping member 505 to tamp an outer member adjacent the

blood vessel wall 3 outside of the blood vessel. Figure 12 of the as-filed application provides a better view of the inner member 501, the outer member 502, and the tamping member 505.

Of course, the drawings illustrate one implementation of the invention and various modifications, variations, and the like exist.

Independent claim 1 requires that the actuator (such as actuator 200) be configured to be both contacted and operated by the user in both the first and second modes. The Office Action states that the claimed actuator consist of head portion 112, mechanism 140, and slider 100 of Nash. However, these components play no role in the second, or tamping, mode. As illustrated in Figure 25 of Nash and as discussed beginning at the fifth line from the bottom of column 13 and continuing to the top of column 14, the tamping is performed manually by a user using tamping member 130. Thus, the tamping procedure is not performed using the actuator (head portion 112, mechanism 140, and slider 100). Thus, Nash does not disclose or suggest the claimed actuator which is configured to be both contacted and operated by the user in both the first and second modes. Similarly, independent claim 17 recites that the insertion tool is operated in the second mode by moving the actuator relative to the housing while the housing supports the actuator. This feature is not disclosed or suggested by Nash because in Nash, the asserted actuator (head portion 112, mechanism 140, and slider 100) is not moved in the tamping process because the tamping process is performed by a completely different member, tamping member 130.

Similar reasoning applies to independent claim 22.

The secondary reference does not overcome the deficiencies of the primary reference.

Applicants believe that the present application is now in condition for allowance.

Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 7/2/08

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